

ORIGINAL

EX PARTE OR LATE FILED

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TEL. (212) 973-0111
FAX (212) 891-9598

RECEIVED

OCT 20 2003

Federal Communications Commission
Office of Secretary

October 20, 2003

VIA ELECTRONIC FILING AND MAIL

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Meeting in WC 03-211, CC Docket No. 96-45, 98-171,
and 01-92**

Dear Ms. Dortch:

Pursuant to Section 1.120(b)(2) of the Commission Rules, this letter serves to provide notice in the above-captioned proceedings of *ex parte* meetings with certain Commissioners and Federal Communications Commission ("FCC") staff. On October 17, 2003, Mr. William Wilhelm, Jr., accompanied Jeffrey Citron, Chairman and CEO of Vonage Holdings Corp. ("Vonage"), to meet with the following people: Commissioner Abernathy and her Senior Legal Advisor Matthew Brill.

During the meeting, Mr. Citron advised Commissioner Abernathy that Federal District Court for Minnesota issued a permanent injunction enjoining the Minnesota Public Utilities Commission ("PUC") from enforcing the PUC's September 11, 2003 finding that Vonage is a "telephone company," as defined by the relevant Minnesota Statutes, and subject to the PUC's jurisdiction. Mr. Citron addressed the text of the court's decision and the court's finding that Vonage is an "information service provider." Mr. Citron indicated that he was unaware, at this time, if the PUC would appeal the decision or if other state commissions would act consistent with the court's finding.

During the meeting, Mr. Citron clarified that Vonage's Petition for Declaratory Ruling does not seek to address matters related to the Universal Service Fund or to intercarrier

compensation and that these matters can be resolved through independent proceedings. Mr. Citron clarified that Vonage is not seeking to avoid contributions to the Universal Service Fund or avoid the payment of appropriate access charges. Although accused otherwise, he highlighted the fact that Vonage currently pays access charges and also contributes to the Universal Service Fund as an end-user. Mr. Citron stressed that Vonage is interested in working with the FCC to consider alternative contribution mechanisms appropriate for information service providers.

Pursuant to Section 1.1206(a)(i) of the Commission's Rules, an original and one copy for each docket of this letter are being submitted to the Secretary for filing in the above-referenced proceeding.

Sincerely,

/s/

William B. Wilhelm, Jr.
Ronald W. Del Sesto, Jr.

cc: Kathleen Q. Abernathy, Commissioner
Matthew Brill, Senior Legal Advisor
Jeffrey Citron, Vonage Holdings Corp.
Ronald W. Del Sesto, Jr., Swidler Berlin Shereff Friedman, LLP